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### **FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS**

Criminal Law & Procedure, Immigration Law

#### **US v. Kantengwa, No. 12-2259**

Defendant appeals her convictions for perjury and obstruction of justice based on false statements she made in connection with her 2004 application for asylum in the United States and subsequent removal proceedings. Defendant is a member of a prominent political family allegedly involved in the Rwandan genocide. There is no evidence that defendant participated in the genocide, but there is evidence that she "socialized and sympathized" with those who did, and then sought to distance herself from it by lying. The judgment is affirmed, where the district court did not commit any error of law, nor did it abuse its wide discretion.

Commercial Law, Health Law, Injury & Tort Law

#### **Home Orthopedics Corp. v. Rodriguez, No. 12-2387**

Plaintiff medical equipment supplier brought suit under the Racketeer Influenced and Corrupt Organizations Act (RICO) against defendants for their alleged involvement in a scheme to defraud plaintiff and to jeopardize numerous contracts that plaintiff had with clients. Judgment of dismissal for failure to state a claim is affirmed, where: 1) defendants sought to accomplish a specific, narrow mission stemming from a single, discernible event; 2) RICO liability cannot attach under a theory of a closed pattern of racketeering; 3) plaintiff has not sufficiently alleged a "pattern of racketeering activity" necessary to sustain its RICO claim, as here, at most what has been alleged is a business deal gone sour; and 4) the district court did not abuse its discretion in denying plaintiff's motion to amend their complaint.

Criminal Law & Procedure, Sentencing, Immigration Law

#### **US v. Munyenyezi, No. 13-1950**

Defendant challenges her conviction and sentence for procuring citizenship illegally by making false statements to the government. Defendant alleges that, in procuring her citizenship, she did not conceal her role in the Rwandan genocide, neither her part in the killing and rapes at the roadblock next to the hotel she and her husband owned together, nor her ties to the political party that incited the genocide. The judgment is affirmed, where: 1) the evidence is sufficient to show that defendant was not a "mere presence" at the roadblock, but rather was deeply involved in the going-ons at the roadblock; 2) the admission of International Criminal Tribunal evidence was not in error, and even if it was in error, such error was a harmless given the vast and damning array of evidence against defendant; 3) the denial of a mistrial was proper given that the circumstances were not so "extremely compelling" as to justify the mistrial; and 4) the two concurrent 120-

month sentences are reasonable given the relevant Penal Code section 3553(a) factors for protecting the community and deterring criminal wrongdoing, promoting respect for the law, and providing a just punishment.